



medical  
management

# The Insider News

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## What is NEW with MPN's

### Recent Development in Labor Code 4605:

"Nothing contained in the chapter shall limit the right of the employee to provide at his own expense, a consulting physician or any attending physicians whom he desires."

With the above in mind, the ruling in the recent case of **LANE VS. BIG LOTS** indicated the following:

1. In cases where an applicant goes outside the MPN, despite having been duly noticed thereof, by invoking the provisions of the above LC 4605, the applicant / employee shall pay the costs of self-procured medical treatment. An applicant/employee is subject to the provisions of LC 4605 in terms of bearing his own treatment costs, ANYTIME treatment is provided outside the MPN after due notice to the applicant/ employee.
2. The panel ruled that the applicant cannot be ordered to treat within the defendants' MPN when applicant himself chooses to self-procure treatment at his own expense. This right had always been provided to an applicant/employee by LC section 4605. Because of the cogent fact that LC 4605 is located within the same chapter as the Labor Code sections which authorize a defendant to render medical treatment through an MPN, it was concluded by the panel, that apparently, on the face of section 4605, "an injured worker cannot be ordered to treat within an MPN ( AFTER DUE NOTICE), if he or she chooses a physician at his or her OWN expense. This simply means that the applicant or employee's right to choose his own physician is paramount, despite duly noticed medical provider network, subject to his paying the costs of medical treatment outside the MPN.
3. If an employer or insurer fails to comply with the applicable MPN statutes and regulations, ( such as Notice to employee/applicant ) resulting in neglect or refusal to provide reasonable medical treatment in this instance, the employer or insurer is liable medical treatment self-procured by the applicant/ employee.
4. In the above cited case, the defendant was found to have provided notice of the MPN to the applicant, which applicant never disputed.
5. Defendant did not neglect or refuse to provide medical treatment through its MPN hence; it is not liable for medical costs. If it did fail, it would have been liable.
6. Treating physician may not seek payment from defendant for medical treatment costs which applicant self-procured.
7. If in the future, applicant requests the defendant to initiate provisions of medical treatment, applicant/employee may be required by defendant to obtain medical treatment through the MPN, in conformity with applicable statutes and regulations.

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## DWC News - Is EAMS really simpler?



As most of you know, EAMS is the new computer based system that is supposed to simplify and improve the DWC case management process. But is that the case today? Is there more burden on the providers? In theory this should more efficiently resolve claims, improve the ability to schedule and manage court calendars, and transform paper files into secure electronic files. The DWC is going in the right direction but we have a ways to go!

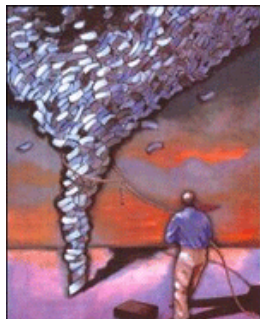
The implementation of EAMS will take place in two stages, beginning with DWC administration and district offices. After the new system has been successfully implemented at the division, EAMS will become accessible to case participants and the general public. EAMS went live internally at the state's 24 district offices on Aug. 25.

The DWC has designed an **EAMS newsletter**, *Insider*, that is emailed to subscribers. Sign up at [eams@dir.ca.gov](mailto:eams@dir.ca.gov). There is also an EAMS page on the State of California Website, [www.dwc.ca.gov/eams](http://www.dwc.ca.gov/eams). EAMS is built using "commercial, off the shelf software," which means it has a solid foundation and is more easily upgradeable. The downside of this choice is that the software isn't designed just for workers' comp-meaning we all have to adjust our thinking somewhat to reflect the way the program works. You can find a glossary of the new terms at [www.dwc.ca.gov/eams](http://www.dwc.ca.gov/eams).

Information and training materials for both e-forms and OCR forms users is available on the EAMS "[working in EAMS](#)" Web site. The materials include computer based training; an OCR forms handbook and file setup examples, a timeline, a decision point presentation and a forms submission demo. The division is working with a team of external users to prepare additional advisory and training materials.

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